United Nations S/2012/873

Security Council

Distr.: General
26 November 2012

Original: English

Letter dated 23 November 2012 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to transmit the attached letter dated 15 November 2012 from the Secretary General of the North Atlantic Treaty Organization, Mr. Anders Fogh Rasmussen, transmitting the report on the international security presence in Kosovo, covering the period from 1 July to 30 September 2012 (see annex).

I should be grateful if you would bring the present letter and the annex thereto to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

In accordance with paragraph 20 of Security Council resolution 1244 (1999), I attach herewith a report on the operations of the Kosovo Force covering the period from 1 July to 30 September 2012 (see enclosure).

I would appreciate if you would make this report available to the members of the Security Council.

(*Signed*) Anders Fogh **Rasmussen**

Enclosure

Report to the United Nations on the operations of the Kosovo Force

Introduction

1. The present report on the Kosovo Force (KFOR) is provided in accordance with United Nations Security Council resolution 1244 (1999) and covers the period from 1 July to 30 September 2012.

2. As at 30 September 2012, the total number of KFOR troops in theatre was approximately 6,130. This included the North Atlantic Treaty Organization Operational Reserve Force Battalion. On 29 September 2012, the German/Austrian North Atlantic Treaty Organization Operational Reserve Force Battalion relieved the Italian one.

Security situation and operations

3. The overall security situation in theatre by the end of the reporting period remained calm, but volatile in the northern part of Kosovo. During the reporting period, KFOR continued to effectively use situational awareness to deploy manoeuvre forces and reserves to rapidly deter violence and manage crisis situations. Even though most logistic convoys of the European Union Rule of Law Mission (EULEX) to and from crossing points 1 and 31 have been successful, some other EULEX convoys were sporadically blocked in the northern part of Kosovo.

4. During the reporting period some small-scale violent incidents occurred across Kosovo. On 19 July 2012, the house of a Kosovo Police officer in Zubin Potok was attacked with small arms and a hand grenade; no injuries were reported.

5. On 7 September 2012, a EULEX/Kosovo Police Monitoring, Mentoring and Advisory team was attacked near Zubin Potok.

6. The overall situation at the Administrative Boundary Line has not changed and remains stable. Most traffic uses crossing points 1 and 31. However, limited numbers of drivers continue to use unauthorized crossing points.

7. At its meeting on 10 September 2012 in Pristina, the International Steering Group declared an end to its supervision of Kosovo. This had no impact on the security situation in Kosovo.

8. On 16 July 2012, the formal opening of the new Administrative Office in Northern Mitrovica happened without reported acts of violence.

9. The transfer of responsibility for the security of the Dević Monastery from KFOR to the Kosovo Police on 1 June 2012 was successful.

10. The KFOR Commander change of command ceremony took place on 7 September 2012, with Major General Volker R. Halbauer assuming command from Major General Erhard Drews.

Summary

11. During the reporting period, KFOR, in coordination with EULEX, and the Kosovo Police continued to contribute to maintaining a safe and secure environment and ensuring freedom of movement in Kosovo. The situation in the northern part of Kosovo remained tense but under control. Freedom of movement is still not complete, with one permanent roadblock (Mitrovica Main Bridge) remaining. Despite good progress in the last months, the freedom of movement of EULEX is still being restricted occasionally. The close cooperation with EULEX, the Kosovo Police and KFOR, in its third responder capacity, remains effective. KFOR continues to closely monitor the security situation on the ground. From its deterrent posture KFOR is able to react quickly and decisively, as required.

United Nations S/2012/874

Security Council

Distr.: General
27 November 2012
English
Original: French

Letter dated 23 November 2012 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council

On instructions from my Government, I have the honour to attach herewith additional proof of the direct involvement of Rwanda in the destabilization of the Democratic Republic of the Congo, supplementing the numerous convincing, irrefutable and well-documented facts supplied by the Group of Experts on the Democratic Republic of the Congo in its interim report (see S/2012/348) and its final report (see S/2012/843).

The attachment is a document dated 20 November 2012 and entitled "Additional proof of the involvement of Rwanda in the destabilization of the Democratic Republic of the Congo".

In view of the foregoing, my Government requests the Security Council, as the organ responsible for the maintenance of international peace and security, to assume its responsibilities and to:

1. Condemn the latest in the long series of aggressions by Rwanda against the Democratic Republic of the Congo.

2. Recognize the dramatic humanitarian consequences of this aggression.

3. Demand that the Rwandan army should purely and simply withdraw from the territory of the Democratic Republic of the Congo.

4. Adopt against Rwanda all preventive measures authorized by the Charter of the United Nations, including sanctions, and in particular:

- A total embargo on sales of arms to Rwanda.
- A targeted suspension of both bilateral and multilateral aid to Rwanda in order to delink such aid from the pursuit of this conflict involving continuation of the illegal exploitation of the natural resources and other types of wealth of the Democratic Republic of the Congo.
- An asset freeze and travel ban for Rwandan senior officials and specifically those listed in the annex to the interim report of the Group of Experts on the Democratic Republic of the Congo (S/2012/348).

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My Government invites the Security Council to take action on this request and to arrange for it to be distributed as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

Annex to the letter dated 23 November 2012 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council

[Original: French]

Additional proof of the involvement of Rwanda in the destabilization of the Democratic Republic of the Congo

The arrival in the town of Goma in North Kivu province on Tuesday, 20 November 2012 of large numbers of the Rwandan Defence Forces (RDF), supporting Bosco Ntaganda's band (M23), is the climax of Rwanda's involvement in the destabilization of the Democratic Republic of the Congo, which has already been the subject of numerous reports.

The situation deliberately created by the Rwandan troops revealed for all to see the aggression against the Democratic Republic of the Congo, preparations for which have been widely and repeatedly condemned.

This situation is also being reported by both official and independent sources, which have been deemed reliable on several occasions by the United Nations Security Council, in particular in its statement of 15 June 2012, and by the European Union following the meeting of Ministers for Foreign Affairs held on 19 November 2012.

In particular, on Tuesday, 20 November 2012, it was clearly established that:

- Troops of the Rwandan regular army entered Goma, bringing electric generators and tents, and took control of the Governorate of North Kivu province.
- The town of Goma was surrounded between 9 a.m. and 10 a.m. (Goma time) by a mixed RDF-M3 battalion from Gisenyi in Rwanda. These forces entered in columns along trails between Petite Barrière and Grande Barrière, in full view of all the national and international observers present in the town of Goma.
- Starting at 11 a.m. (Goma time), the Rwandan navy patrolled the Congolese waters of Lake Kivu, specifically in the part known as Grand Lac.
- Certain vessels of the Rwandan navy did not hesitate to fire warning shots at Congolese civilian vessels en route to Bukavu in South Kivu province, for example the vessel *Emmanuel II* belonging to Mr. Gaby Mayata.
- At 12.05 p.m. on Tuesday, 20 November 2012, former Colonel Rusangiza, alias Sultani Makenga, openly entered the town of Goma via Grande Barrière on his way from Gisenyi in Rwanda. He commandeered jeeps found in Customs to transport the soldiers accompanying him.

Further proof of the involvement of Rwanda had already been found previously:

- On 11 November 2012, Sergeant Mahoro, of Rwandan nationality, was arrested in Congolese territory, near Kibumba, by the Intelligence Unit of the 802nd regiment of the Armed Forces of the Democratic Republic of the Congo

(FARDC). He actually admitted that he was a member of the 37th RDF battalion in Gasizi, Rwanda (commander — Colonel Nkoroziza; deputy commander — Lieutenant-Colonel Nsinga). He also admitted that his unit was supporting Bosco Ntaganda's band (M23).

- On 17 November 2012, during the Kibumba attack, Bosco Ntaganda's band (M23) received support in the form of artillery, men (members of the RDF Special Forces) and logistics, including transport trucks of the Rwandan Army.

- On 18 November 2012, the Rwandan General Vincent Gatama led and commanded the RDF Special Forces which attacked FARDC positions at Kibumba (near Trois Antennes).

- On 19 November 2012 at 3 p.m., the Rwandan army fired several shells from Gisenyi, in Rwanda, on the town of Goma, including the Office district and the Majengo district, killing four people and wounding several others. This was confirmed by the Civilian Protection of MONUSCO in Goma and corroborated by eyewitnesses.

Before this, the involvement of Rwanda in the repeated violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo was also proved by the fact that:

- The perpetrators of attacks on Bunanga during the night of 4 to 5 July 2012 used fire power which the mutineers in Bosco Ntaganda's band (M23) could not have had at their disposal.

- They had a great deal of new equipment and were under the command of officers speaking good English.

- They numbered over 4,000, including about 2,000 between Kako and Rubari, about 220 in Ntamugenga and about 500 in Bunagana.

- The RDF recruited for Bosco Ntaganda's band (M23) two brigades from the Special Forces: the 305th Brigade assigned to Bunagana and the 402nd Brigade assigned to Ntamugenga;

- These units are under the command of the Rwandan General Ruvusha, who was even seen at Rubare with former Colonel Baudouin Ngaruye (former commander of the 83rd Sector of the FARDC in the territory of Masisi).

- The members of Bosco Ntaganda's band (M23) even have combat and night-vision equipment which the FARDC do not possess.

The attack on the town of Goma was foreseeable, since the measures taken by the international community, including the suspension of aid to Rwanda by several Western States and the blacklisting of the leaders of Bosco Ntaganda's band (M23), starting with former Colonel Rusangiza alias Sultani Makenga, were not sufficient to deter Rwanda from implementing its plan to destabilize the Democratic Republic of the Congo.

In June 2012, the Congolese Government had prepared a summary of the proof of Rwanda's involvement in the destabilization of the Democratic Republic of the Congo, covering the period from January to June 2012. On instructions from the President of the Democratic Republic of the Congo, His Excellency Mr. Joseph Kabila Kabange, this document, accompanied by technical evidence of telephone

conversations, was transmitted to the Rwandan Government through the Minister for Foreign Affairs, Ms. Louise Mushikiwabo, on the occasion of the bilateral meeting between the two countries held in Kinshasa on 18 and 19 June 2012.

It should be noted that Rwanda has never reacted to this report and has neither refuted nor rejected any of the overwhelming evidence against it.

- The first report of the international NGO Human Rights Watch, dated 4 June 2012, entitled "DR Congo: Rwanda Should Stop Aiding War Crimes Suspect. Congolese Renegade General Bosco Ntaganda Receives Recruits and Weapons from Rwanda", also provided undeniable proof of Rwanda's involvement in the destabilization of the Democratic Republic of the Congo;

- The first report of the United Nations Group of Experts on the Democratic Republic of the Congo dated 18 May 2012 (see S/2012/348) provided several irrefutable details on Rwanda's involvement in the destabilization of the Democratic Republic of the Congo;

- The second Human Rights Watch report, dated 11 September 2012 and entitled "DR Congo: M23 Rebels Committing War Crimes. Rwandan Officials Should Immediately Halt All Support or Face Sanctions" also provided convincing information on the recognized involvement of Rwanda in the destabilization of the Democratic Republic of the Congo;

- The recent second report of the United Nations Group of Experts on the Democratic Republic of the Congo, dated 12 October 2012 (see S/2012/843), already submitted to the Security Council Committee established by resolution 1533 (2004), contains lengthy and substantiated statements accusing Rwanda and Uganda of engaging in destabilizing activities against the Democratic Republic of the Congo;

- In addition to all these reports, the various delegations of the Democratic Republic of the Congo, comprising senior security officials, have on every occasion provided several types of proof of Rwanda's involvement in the repeated violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo to the Rwandan delegations, which have never disputed the slightest detail.

There is now no need to recall that Bosco Ntaganda's band (M23) was included among the negative forces operating in the Eastern Democratic Republic of the Congo by unanimous decision of the 11 Heads of State at the International Conference on the Great Lakes Region at their Extraordinary Summit held on 15 July 2012 in Addis Ababa.

Presidents Yoweri Museveni and Paul Kagame, who participated in this Summit, also signed this decision without reservation.

A subsequent report establishes that the M23 negative force is indeed a terrorist group characterized by:

- gross violations of human rights

- sexual violence

- rape of women

- forcible recruitment of minors

– violent acts involving large-scale and constant displacement of vulnerable populations

– hard labour forced on civilian populations.

The principal perpetrators of these crimes, already mentioned in Geneva in a report dated 19 June 2012 by Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, in connection with similar acts committed at the time of the National Congress for the Defence of the People (CNDP) include the following former officers:

– Bosco Ntaganda

– Rusangiza alias Sultani Makenga

– Innocent Kaina

– Innocent Zimurinda

– Baudouin Ngaruye

– Vianney Kazarama.

In addition to the serious acts cited above, mention must be made of the manipulation of certain Congolese politicians by Rwandan officials. For example, the opposition Deputy Roger Lumbala is on record as having told the Burundian Services that he had been approached several times by General James Kabarebe, the Rwandan Defence Minister, to join Bosco Ntaganda's band (M23).